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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/569,026

05/18/2006

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10036

9159

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05/26/2009

EXAMINER

WALTERS, JOHN DANIEL

ART UNIT

PAPER NUMBER

3618

MAIL DATE

DELIVERY MODE

05/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/569,026	Applicant(s) HU, JI-RONG	
	Examiner JOHN D. WALTERS	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 - 3 and 7 - 10 have been examined. Claims 4 - 6 have been withdrawn by Applicant via election/restriction.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in China on 12 November 2004. It is noted, however, that applicant has not filed a certified copy of the 200420095163.1 application as required by 35 U.S.C. 119(b).

Election/Restrictions

Applicant's election without traverse of Species II, in the reply filed on 3 March 2009 is acknowledged.

Applicant did not fully disclose the claims which read upon Species II. In addition to claims 7 - 9, selected by Applicant, claims 1 - 3 and 10 are deemed to read upon Species II.

Claim Objections

Claims 3 - 10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 10 depends from multiple dependent claim 3. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korenjak et al. (6,896,087) in view of Gee (5,186,079). Korenjak discloses a component arrangement for an all terrain vehicle comprising:

- a speed variator (Fig. 1, item 26);
- a rear gear box component (Fig. 1, item 74);
- a shaft (Fig. 1, item 30);
- a left crankcase component (Fig. 1, outer portion of item 28);
- a left crankcase cap component (Fig. 1, rear portion of item 28);
- said rear gear box component, said left crankcase component and said left crankcase cap comprising a closed housing (Figs. 2 and 3);
- an engine directly connected to said speed variator (Fig. 1, item 10);
- an output end of said speed variator being connected to said shaft (Fig. 1);
- said speed variator including an automatic indefinite speed variation mechanism, i.e. continuously variable transmission (column 6, lines 6 - 8);
- said speed variator including a gear double reduction mechanism (Fig. 1, item 32).

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Korenjak does not disclose the use of a spline connection between a speed variator and a shaft. Gee, however, discloses a driveline torque fuse comprising:

- a connection between a power transmission and a drive axle (Fig. 1);
- said connection being a spline connection (Fig. 1, item 32).

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to combine the shaft of Gee with the all terrain vehicle of Korenjak in order to provide a safety measure to limit torque to a safe level (column 4, lines 13 - 16).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Pollman (6,904,997) discloses a compact vehicle transmission;
- Szalony et al. (7,025,167) disclose a shaft to transfer torque in a vehicle;
- Chonan (7,427,2448) discloses a continuously variable transmission;
- Rasidescu et al. (2005/0126842) disclose a family of vehicles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN D. WALTERS whose telephone number is (571)272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John D. Walters
Examiner
Art Unit 3618

/John D. Walters/
Examiner, Art Unit 3618